

LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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DATE: JUNE 4, 2004

FROM: KATHLEEN ROLLINGS-McDONALD, Executive Officer

TO: LOCAL AGENCY FORMATION COMMISSION

SUBJECT: Agenda Item #6: Consideration of Exemption for LAFCO SC#227
– Assumption of Service by City of Big Bear Lake Department of
Water and Power for Mountain Pioneer Mutual Water Company
(Rimforest Area)

REQUESTED BY:

City of Big Bear Lake, Department of Water and Power

RECOMMENDATION:

Determine that LAFCO SC#227 is exempt from the provisions of
Government Code Section 56133 as authorized by Subsection (c)
thereof.

BACKGROUND:

The Mountain Pioneer Mutual Water Company contacted staff to inquire about the process for receiving service from the City of Big Bear Lake's Department of Water and Power (DWP). The Company provided domestic water service to 18 lots within the eastern Rimforest area. During the Old Fire in the fall of 2003, 90% percent of the Company's service area was destroyed. There remain two homes standing within this small mutual water company but the Company's holding tanks, telemetry unit, meters, pumps, etc. are a total loss from the fire. In order for the homes to be occupied they need a source of domestic water service, which the mutual water company cannot supply. Adjacent to the mutual water company is the Rimforest division of the City of Big Bear Lake DWP, who have indicated that they can provide the domestic water service needed by the Company. As can be seen

from the maps included in Attachment #1, however, the Rimforest portion of the City's DWP is located approximately 15 miles from the City of Big Bear Lake and its sphere of influence.

As the Commission is well aware, it cannot typically authorize a service contract unless the area is within the sphere of influence of the contracting agency. Therefore, in order for this service delivery arrangement to proceed, the Commission will need to determine that it is exempt from the provisions of Government Code Section 56133 (copy included as Attachment #2).

The Legislature has taken note that there could be instances where such emergencies exist and has provided a specific exemption for such situations. The exemption addressing this situation is outlined within Government Code Section 56133 (c), which reads:

“The Commission may authorize a city or district to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected territory if both of the following requirements are met:

(1) The entity applying for the contract approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, or sewer system corporation as defined in Section 230.6 of the Public Utilities Code, that has filed a map and statement of its service capabilities with the commission...”

In the present case, the City of Big Bear Lake DWP has submitted a request that the Commission determine that the extension of their service to the Mountain Pioneer Mutual Water Company is exempt from the provision of Government Code Section 56133. The staff believes that the above quoted exemption applies in the present circumstance for the Mountain Pioneer Mutual Water Company and the City of Big Bear Lake's DWP. The staff position is based on the following findings:

1. The proposed contract will be between the City of Big Bear Lake Department of Water and Power and the Mountain Pioneer Mutual Water Company to provide the full range of domestic water service in order to alleviate the threat to the public health and safety of the existing units within the area and those proposed to be rebuilt.
2. The staff has contacted the Crestline-Lake Arrowhead Water Agency, a domestic water provider as well as the water wholesaler in this portion of the mountains. Correspondence included in Attachment #4 outlines that they have no objection to the assumption of service and confirms the Agency's water supply is sufficient to provide for this service.
3. The staff has also contacted the Lake Arrowhead Community Services District (CSD) since the territory of the mutual water company is within its boundaries. Correspondence included in Attachment #5 outlines that the CSD also has no objection to the assumption of service by the DWP.

On the basis of the findings outlined above, the staff is recommending that the Commission determine that pursuant to Government Code Section 56133 Subsection (c), the assumption of domestic water service by the City of Big Bear Lake Department of Water and Power is exempt from the provisions of Government Code Section 56133.

KRM/

Attachments:

1. Vicinity map and service area map for Mountain Pioneer Mutual Water Company and City of Big Bear Lake Department of Water and Power
2. Government Code Section 56133
3. Request for Exemption Determination submitted by City and Water Company
4. Letter from Crestline-Lake Arrowhead Water Agency indicating no objection to service assumption
5. Letter from Lake Arrowhead Community Services District indicating no object to service assumption